

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TORRI DURDEN,

Plaintiff,

No. 20-12161

v.

District Judge Sean F. Cox  
Magistrate Judge R. Steven Whalen

MICHAEL A. BOUCHARD, ET AL.,

Defendants.

/

**ORDER DENYING APPOINTMENT OF COUNSEL**

Plaintiff, a *pro se* prison inmate in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Docket #10].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. At this point, the Defendants have not yet been served, and Plaintiff’s motion to appoint counsel is premature. If Plaintiff’s claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for appointment of counsel [Docket #10] is **DENIED WITHOUT PREJUDICE**.

s/ R. Steven Whalen  
**R. STEVEN WHALEN**  
UNITED STATES MAGISTRATE JUDGE

Dated: March 22, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on March 22, 2021, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen